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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,827	07/06/2001	Scott G. Newnam	109779.130	9662

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EXAMINER	
DOAN, DUYEN MY	
ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,827	NEWNAM ET AL.	
	Examiner	Art Unit	
	Duyen M Doan	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *06 July 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *03/29/04, 07/23/03*. 5/28/02, 4/15/02
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Detail Action

-Claims 1-27

-It is hereby acknowledged that the following papers have been received and placed of record in the file: Information Disclosure Statements on 04/15/2002, 05/28/2002, 07/23/2003, and 03/29/04.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 23-25, 27 are rejected under 35 U.S.C. 102(b) as being anticipate by Lappington et al (us 5734413).

As regarding claim 23, Lappington et al discloses an authoring system for creating interactive content to be sent to remote viewers during an event (col.9, line 54-60), the system responsive to user inputs for selecting from among a plurality of different types of interactive functionality and for entering content for each of a number of items of interactive functionality (col.10, line 6-32), the system responsive to the types of interactive functionality and content for creating a user interface showing representations of each item of content to be displayed during the event (col.9, line 54-67, col.10, line 6-40).

As regarding claim 24, Lappington et al discloses wherein the representations are icons (col.13, line 5-45).

As regarding claim 25, Lappington et al discloses wherein at least some of the icons represent questions and responses for display to viewers of an event, the questions being related to the event (col.13, line 46-59).

As regarding claim 27, Lappington et al discloses wherein the interactive functionality includes the ability of one viewer to communicate with another viewer or with a producer of the event (col.10, line 41-55).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-10 are rejected under 35 U.S.C. 102(e) as being anticipate by Huang et al (us 2002/0103696).

As regarding claim 1, Huang et al discloses a system for creating an interactive event in which a client file that is responsive to messages from a server is provided to remote clients, the system comprising a content creator that includes tools, responsive to inputs from a producer, for generating client files (page.4, paragraph 32) and a server-based

user interface for controlling the display of content on the remote clients during the event (page.4, paragraph 32-33).

As regarding claim 2, Huang et al discloses wherein the user interface is responsive to the producer for causing messages to be sent from the server to the client to cause previously transmitted content to be displayed at the client side (page.1-2, paragraph 9).

As regarding claim 3, Huang et al discloses wherein the user interface is responsive to the producer for receiving content and causing that content to be displayed at the client side (page 1-2, paragraph 9).

As regarding claim 4, Huang et al discloses wherein the content creator is used to create polls such that during creation of a poll, a representation indicating that the poll is to be displayed is created for display on the user interface (page.4, paragraph 36,38).

As regarding claim 9, Huang et al discloses wherein the user interface stores content created in real time during the event and causes the server to transmit that content to the clients (page.4, paragraph 32).

As regarding claim 10, Huang et al discloses wherein the server sends messages to the client using an Internet protocol (page.3, paragraph 28-29).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5-8, 11, 17, 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (us 2002/0103696) and Lappington et al (us 5734413).

As regarding claim 5, Huang et al teaches every limitation of claim 1 above, but he does not teach the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the user interface.

However, Lappington et al teaches the content creator is used to create trivia questions such that during creation of a trivia question, a representation indicating that the trivia question is to be displayed is created for display on the user interface (col.4, line11-44).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have content creator creates trivia questions and a representation indicating that the trivia question display on user interface. Lappington et al mentions that by creating trivia question and display it on user interface for viewer to see and allows viewer interact with their television, viewer will feel better about their television viewing and thus will be more interested in watching television for longer period of time and furthermore interactive programming allows networks, advertisers or other interested entities to understand the audience by taking advantage of interactive television's data gathering tools (col.4, line 6-67).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have the content creator creates the trivia question for display at the user interface.

As regarding claim 6, Huang et al teaches very limitation of claim 1 above, but he does not explicitly mention the content creator has fields for designating a time during the event for when specified content will be displayed.

Lappington et al however teaches the content creator has fields for designating a time during the event for when specified content will be displayed (col.8, line 10-39).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the content creator has fields for designating a time during the event for when specified content will be displayed because as Lappington et al mention in his invention the system allows interactive programs to be interleaved on the same channel while maintaining viewer interactivity and allows many programs to be broadcast on the same channel at different time (col.3, line 15-28).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have has fields for designating a time during the event for when specified content will be displayed.

As regarding claim 7, in the modify system, Lappington et al discloses the event is a broadcast program, and the timing is based on the beginning of a segment of the broadcast program (col.26, line 26-28).

As regarding claim 8, in the modify system, Lappington et al discloses the technical director allows the producer to override the designated time or displaying content (col.8, line 10-15).

As regarding claim 11, Huang et al teaches every limitation of claim 1 above, but he does not teach the user interface has icons representing all the items of content to be displayed during at least a segment of the event.

Lappington et al however teaches the user interface has icons (window menu allows the script writer to view quick buttons which are icons that when selected, perform functions that normally would take more than one action (col.13, line 10-34)).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the icons represent the contents to be display during at least the segment of the event because icons contribute significantly to the user friendliness of graphical user interface and Lappington et al also mentions that window menu allows the script writer to view quick buttons which are icons that when selected, perform functions that normally would take more than one action (col13, line 10-13).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have icons as representation for the content to be display on the screen.

As regarding claim 17, Huang et al teaches every limitation of claim 1 above, but he does not specifically mention the content is provided to the clients before the event. (At an appropriate time during the live event broadcast, the survey questions are display to viewer through voting interface (Huang, page.4, paragraph 33).
Lappington et al however teaches mention the content is provided to the clients before the event (col.5, line 43-47, col.10, line 39-55, col.27, line 28-29).
Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the content is provided to the clients before the event. As Lappington et al mentioned in his invention, a script could ask questions related to the next episode and then provide the poll results at the beginning of the next show (Lappington et al, col.10, line 46-55).
Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to provide the content to the clients before the event.

As regarding claim 18, Huang et al teaches every limitation of claim 1 above, but he does not specifically mention content is provided to the clients during the event but prior to display during event. (At an appropriate time during the live event broadcast, the

survey questions are display to viewer through voting interface (Huang et al, page.4, paragraph 33).

Lappington et al teaches content is provided to the clients during the event but prior to display during event (First data is inserted into the television signal as it is created. Second, data is stored in a memory element, and inserted in the television signal on command of an operator. Third, data is created with timing information. And fourth, data is assigned to a specific television frame (Lappington et al, col.3, line 50-57)).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the content is provided to the clients during the event but prior to display during event. As Lappington et al mentioned in his invention the scriptwriter could also determine when during the broadcast the questions should be transmitted and presented (Lappington et al, col.8, line 10-12). Since the scriptwriter could determine the time to insert the content, the scriptwriter can insert the content at any desired time.

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have content is provided to the clients during the event but prior to display during event.

As regarding claim 19, Huang et al teaches every limitation of claim 1 above, but he does not specifically mention content is provided to the clients during the event for immediate display during the event. (At an appropriate time during the live event

broadcast, the survey questions are display to viewer through voting interface (Huang et al, page.4, paragraph 33).

Lappington et al teaches content is provided to the clients during the event for immediate display during the event (First data is inserted into the television signal as it is created. Second, data is stored in a memory element, and inserted in the television signal on command of an operator. Third, data is created with timing information. And fourth, data is assigned to a specific television frame (Lappington et al, col.3, line 50-57)).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have content is provided to the clients during the event for immediate display during the event. As Lappington et al mentioned in his invention the scriptwriter could also determine when during the broadcast the questions should be transmitted and presented (Lappington et al, col.8, line 10-12). Since the scriptwriter could determine the time to insert the content, the scriptwriter can insert the content at any desired time. Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have content is provided to the clients during the event for immediate display during the event.

As regarding claim 20, is a combination of claim 17-19 above, rejected for the same rationale as claim 17-19 above.

As regarding claim 21, Huang et al teaches every limitation of claim 1 above, but he does not teach the client file is transferred to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content.

Lappington et al teaches the client file is transferred to viewers in advance of an episode of an event (col.8, line 10-15) and includes content for display for multiple events and content specific to a single episode event, wherein the content creator can create both the multi-episode content and the individual episode content (col.10, line 6-40).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the file transfer to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event. As mention by Lappington et al a group of one or more transactions make up a segment. A segment is a group of transactions that must be played sequentially (col.10, line 17-20). A script could ask questions related to the next episode and then provide the poll results at the beginning of the next show (col.10, line 46-48).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have the client file is transferred to viewers in advance of an episode of an event and includes content for display for multiple events and content specific to a single episode event, wherein the

content creator can create both the multi-episode content and the individual episode content.

As regarding claim 22, Huang et al teaches every limitation of claim 1 above, but he does not teach the content creator is responsive to a producer for enabling a chat functionality during some or all of an event.

Lappington however teach the content creator is responsive to a producer for enabling a chat functionality during some or all of an event (col.5, line 3-14, col.10, line 41-45)

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang et al and Lappington et al before him at the time of the invention to have the content creator is responsive to a producer for enabling a chat functionality during some or all of an event. As Lappington et al mentions in his invention sporting events become more fun for viewers who can judge competitions, match wits with the coaches and test their knowledge of the game (col.4, line 15-20). A polling script allows an opportunity for viewer talk back to their television (col.10, line 41-55).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references to have a chat functionality during some or all of the event.

3. Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (us 2002/0103696) and Shoff et al (us 2001/0001160).

As regarding claim 12, Huang et al teaches very limitation of claim 1 above, but he does not explicitly mention the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (these survey questions are provided during a live event and responses and results are required within a short amount of time (page.1, paragraph 8)).

Shoff et al however teaches the content creator includes a first program for allowing a producer to identify types of items of interactive functionality (page.3, paragraph 40).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang and Shoff before him at the time of the invention to have a first program for allowing a producer to identify types of items of interactive functionality. As shoff et al mentioned in his invention the system and method for presenting interactive entertainment programs is advantageous as it returns the freedom of creativity to the content developer (Shoff et al, page 7, paragraph 79).

Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references wherein the content creator includes a first program for allowing a producer to identify types of items of interactive functionality.

As regarding claim 13, Shoff et al discloses wherein the first program also allows the producer to create a look and feel for multiple events (the developer is empowered to create both the content and the presentation format of how the content and broadcast

program are displayed to the viewer. The developer is free to control the location and shape of the broadcast program window (Shoff et al, page 7, paragraph 79).

As regarding claim 14, Shoff et al discloses wherein the content creator further includes a second program that receives from the first program the types of items of interactive functionality, the second program being used to enter quantities and the content for each item (Shoff, page 2, paragraph 18-19, page 3, paragraph 40).

As regarding claim 15, Shoff et al discloses the content entered for each piece of content is used to generate files for transfer to a client (Shoff, page 3, paragraph 40).

As regarding claim 16, Shoff discloses the content creator creates the user interface using the quantity of items and content of the items of interactive functionality (Shoff, page 7, paragraph 79-80).

4. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lappington et al (us 5734413) and Shoff et al (us 2001/0001160).
As regarding claim 26, Lappington et al teaches every limitation of claim 23 above, but he does not specifically teach the user interface indicates interactive functionality available during an event.
Shoff et al however teaches the user interface indicates interactive functionality available during an event (page 5, paragraph 57, page 7, paragraph 79-80).

Therefore, it would have been obvious to one having skill in the art having the teachings of Huang and Shoff before him at the time of the invention to have the user interface indicates interactive functionality available during the event. As Shoff et al mentions in his invention, the viewer is presented with the choice of interactive entertainment or non-interactive viewing of the program (page 5, paragraph 61).
Therefore, it's would have been obvious to one having skill in the art at the time of the invention was made to combine these two references wherein the user interface indicates interactive functionality available during the event.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duyen M Doan whose telephone number is (571) 272-4226. The examiner can normally be reached on 9:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Duyen Doan

Primary Examiner
Art Unit 2143
William C. Vaughn, Jr.